

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action No. 1:17-cv-02989-AT

DONNA CURLING, et al.,
Plaintiffs,

vs.

BRAD RAFFENSPERGER, et al.,
Defendants.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
JEFFREY E. LENBERG

DATE: November 21, 2022

TIME: 10:05 a.m. to 6:21 p.m. Eastern

LOCATION: Witness location

REPORTED BY: Felicia A. Newland, CSR

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C O N T E N T S

EXAMINATION BY: PAGE

Counsel for Coalition Plaintiffs	10
Counsel for Curling Plaintiffs	229
Counsel for State Defendants	307
Counsel for The Witness	321
Counsel for Coalition Plaintiffs	325

LENBERG DEPOSITION EXHIBITS

NO. DESCRIPTION PAGE

Exhibit 1	Subpoena	11
Exhibit 2	Jeffrey Lenberg Declaration, October 21, 2022	15
Exhibit 3	Logan Signal messages	73
Exhibit 4	Harvey memo on system copies	96
Exhibit 5	Coffee County ICC & ICP Reports	114
Exhibit 6	Coffee County and Pierce County Records Request	136
Exhibit 7	Color photograph, Cellebrite kit for copying	154
Exhibit 8	Measuring the desk message	157
Exhibit 9	Color photograph, Lenberg light ring	181
Exhibit 11	Color photograph, pictures coming -	193

1 going

2 Exhibit 13 Handwritten notes 195

3 Exhibit 12 ICP - Analysis - Updated, Dominion 5.5 199

4 Exhibit 14 Thumb drive contents - CCBOE Docs 200

5 Responsive to Subpoenas

6 Exhibit 15 Ben Cotton Signal & Coffee County 206

7 Related E-mails

8 Exhibit 16 Moncla Signal Communications Annotated 210

9 Exhibit 17 Lenberg vote stealing attack 234

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11 *(Exhibit 10 not marked. Exhibits attached to
12 transcript.)

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1 MS. HERNANDEZ: Yes, Alexander Denton
2 and Danielle Hernandez are also here on behalf of
3 the State Defendants.

4 VIDEOGRAPHER: Thank you very much.

5 MS. HERNANDEZ: You're welcome.

6 VIDEOGRAPHER: Will the court
7 reporter please swear in the witness?

8 * * * * *

9 Whereupon,

10 JEFFREY E. LENBERG
11 was called as a witness and, having been first duly
12 sworn, was examined and testified as follows:

13 EXAMINATION BY COUNSEL FOR COALITION PLAINTIFFS
14 BY MR. BROWN:

15 Q Good morning. Please state your full
16 name for the record.

17 A Jeffrey Earl Lenberg.

18 Q And you're in New Mexico right now.
19 Is that right?

20 A That's correct. That's correct.

21 Q And you are represented by counsel?

22 A I am.

1 of people that she didn't know who they were or had
2 never, you know, recognized names and stuff before.

3 I don't know. It was just a concern
4 she had about what she felt was an abnormal number
5 of absentee votes. And, of course, those all get
6 counted typically on the high-speed scanners, on
7 the ICCs, which is what we were looking at in
8 Coffee County, the potential anomalies on those.

9 Q Were you able to follow up on that
10 concern with respect to Pierce County?

11 A No. They never produced results to
12 that records request that I -- I believe I sent to
13 them.

14 Q How about Dougherty County, other
15 than that conversation with the elections director
16 there, were you able to pursue that at all?

17 A I did not.

18 Q Okay. Any other counties other than
19 Pierce, Dougherty, Ware, Liberty, and Coffee?

20 A Not that I recollect.

21 Q Okay. Going back up to Coffee
22 County -- I have got to keep my place in my

1 notebook here, but you identified two anomalies.
2 One was the remote with Dominion, the other was
3 the, what you called, reversals, or rejection, rate
4 relating to the ICPs. Were there any other
5 anomalies with respect to the machines that you
6 investigated in Coffee County?

7 A Not that I recollect.

8 Q Did you investigate anything relating
9 to the poll pads?

10 A Ms. Hampton -- while I was there,
11 keep in mind, this was the first time I had seen
12 this, you know, current generation of voting
13 machines, other than me voting at my voting
14 location in New Mexico, so I was learning as much
15 as I could. And she was very helpful in
16 explaining, you know, basic voting systems, Georgia
17 election law. She was quite knowledgeable about
18 Georgia election law. And also about her voting
19 machines. She -- she runs herself. She knows the
20 whole thing.

21 And so the pollbooks, they actually
22 showed me the pollbooks. I believe they actually

1 demonstrated to me the pollbook. But other than
2 telling me how it worked, demonstrating it, they
3 showed me that -- or she showed me that it was
4 connected to the internet during its operation and
5 that they literally could go order Domino's Pizza
6 and have it delivered while it was connected to the
7 internet.

8 Q Okay. Let me shift gears a little
9 bit.

10 Did you know --

11 MR. CLEMENTS: How much --

12 BY MR. BROWN:

13 Q Do you know --

14 MR. CLEMENTS: Bruce, if you're about
15 to shift gears, is there a way that we could maybe
16 take a quick restroom break?

17 MR. BROWN: Absolutely. Let's break
18 for ten minutes. Thank you. Thank you.

19 VIDEOGRAPHER: Going off the record.
20 The time is 11:28 a.m.

21 (Recess from 11:28 a.m. to 11:42 a.m.)

22 VIDEOGRAPHER: Going on the record.

1 marked exhibits. I clicked on that and see it.

2 MR. BROWN: Okay. Thank you.

3 BY MR. BROWN:

4 Q Okay. If you would look at
5 Exhibit 3.

6 MR. BROWN: For the record, Exhibit 3
7 is a document that was produced by Doug Logan,
8 which he represented to be a capture of his Signal
9 messages.

10 BY MR. BROWN:

11 Q And do you see that there,
12 Mr. Lenberg?

13 A Yes, I do.

14 Q And you communicated with Mr. Logan
15 via Signal, correct?

16 A Yes.

17 Q And at some point -- I believe you
18 testified at some point in mid-January you were
19 deployed to Coffee County, correct?

20 A Yeah. I see a date of January 17th,
21 and that would be correct. That would be the time
22 we went there, Doug and I. Jim, you know --

1 basically, I went down at Jim's suggestion, and
2 agreement with me to do that. And then he
3 contacted Doug to see if he could come up and work
4 with me on -- on it.

5 Q Had you worked with Mr. Logan before?

6 A I had met Mr. Logan in Washington,
7 D.C.

8 Q And what was the occasion for meeting
9 him in Washington, D.C.?

10 A I -- I don't remember a specific
11 reason. I was with Jim Penrose and -- and was at a
12 meeting of some of these tech people. I actually
13 only attended one of those meetings. Doug was at
14 that meeting, and so basically I met Doug there,
15 but I did not work with Doug at that time. I had
16 not done any work with him until I went to Georgia.

17 Q Okay. And so in D.C., you met with
18 Penrose once, I believe, by yourself, just the two
19 of you. Is that right?

20 A The first time, yeah.

21 Q And then another time you had a
22 meeting with tech people. Is that right?

1 A Correct.

2 Q And you flew to Coffee County, right?

3 A Uh-huh. Flew and drove.

4 Q Okay. Now, looking at Exhibit 3,
5 which is the Signal exhibit that we pulled up.

6 A Uh-huh.

7 Q Do you have that in front of you?

8 A Uh-huh.

9 MR. CLEMENTS: We have the -- there's
10 multiple pages, Bruce. Are we on page 1?

11 MR. BROWN: We are.

12 MR. CLEMENTS: Okay.

13 THE WITNESS: Yes. Uh-huh.

14 BY MR. BROWN:

15 Q And do you see your text message
16 right in the middle of page 1 where you say, "I am
17 now in Coffee County," right?

18 A Uh-huh. I do. Yes, I do.

19 Q If you go down one line, it's on
20 the -- also on the 17th. You -- you say, "It will
21 be Monday evening. She thinks that she can do it
22 then." Do you see that?

1 A Yes, I do.

2 Q And the "she" is -- is Misty Hampton?

3 A I believe so.

4 Q And what does the "it" refer to in
5 that sentence?

6 A To be able to do some testing with
7 her machines at -- at -- you know, under her
8 control. And obviously we were trying not to
9 impact her normal work schedule also. She had
10 plenty of work to do, so we were trying to be
11 accommodating.

12 Q Okay. Let's skip to page 8 of
13 Exhibit 3. Sadly, these messages are not in -- in
14 date order, they're in order of the thread name.
15 So we're going to have to skip around a little bit.

16 A Uh-huh. I see some 1/17/21. What --
17 what particular message are you -- do you want us
18 to look at?

19 Q Right in the middle of the page, you
20 will see a January 16, actually, a text -- Signal
21 message from you. Do you see that?

22 A Yes, I see that.

1 Q And you're saying, "I'm planning a
2 trip to met up with Misty in Coffee County.
3 Leaving tomorrow." Do you see that?

4 A I do, yeah.

5 Q And then in the next line, Mr. Logan
6 says, "For your interest, she's in that group
7 you're riding in."

8 A Uh-huh.

9 Q Do you know what that refers to?

10 A There was a Signal group that I -- I
11 don't know everybody that was on it, but at one
12 point in time there was a Signal group that Doug
13 and -- at least Doug and Misty and I were in, and I
14 don't know who else was.

15 Q Okay. So you -- so the record
16 reflects that the next day, on the 18th --

17 A Uh-huh.

18 Q -- you actually visited the Coffee
19 County Elections, correct?

20 A I believe that's correct.

21 Q And what is your understanding of the
22 authorization that you had to do what you were

1 doing in Coffee County?

2 A Well, my understanding is that
3 Ms. Hampton was the election supervisor for the
4 county and that she had full authority -- as long
5 as she kept everything under her chain of custody,
6 that she had full authority to test her machines or
7 get consultants to come in to help her look at what
8 her machines were doing that she was concerned
9 about.

10 And so as I already mentioned, there
11 had been a couple of major anomalies raised and as
12 a result, she was interested in having expert
13 consultants, like Doug Logan and I, come in and
14 help see if we could figure out possibly what the
15 anomaly might have been about.

16 Q So were you working for her or was
17 she your client, as it were?

18 A I don't know how to answer that.
19 It -- it was a volunteer thing. I did not -- you
20 know, they didn't pay me, no one paid me. Okay?
21 So to be there, I was volunteering as an expert
22 trying to help, trying to learn at the same time

1 about these systems and trying to understand so we
2 could figure out is there a real problem with the
3 machines or is there not. That's what we were
4 trying to determine at the time.

5 So it was my understanding that she
6 had full authority to be able to test her machines.
7 She runs logic and accuracy testing just like
8 everybody else does, so running an additional test
9 and allowing us to observe it did not seem to be
10 improper at all.

11 Q Now, the -- I'm not suggesting that
12 this was necessary, but I just need to ask you.
13 You didn't have like a court order allowing you to
14 do this, did you?

15 A There was no court order to do it.

16 Q And were you doing this pursuant to
17 any kind of engagement with a lawyer?

18 A I did not have any specific
19 engagement with a lawyer.

20 Q It was your understanding, I take it,
21 that -- that Misty's authorization was sufficient
22 for you to have permission to enter the Coffee

1 County Election's Office and work with her on the
2 election systems, correct?

3 A That's correct. In fact, I've done
4 that several places in the country. It's -- it's
5 not a problem. All election offices are in -- you
6 know, have a locked door to get into them. And I
7 have visited across the country with -- with
8 different election officials, never had any concern
9 about that. As long as they bring you in, right?
10 If they bring you in and they escort you so that
11 they have full chain of custody. Obviously, you're
12 on video and so on.

13 Q And did you have an understanding of
14 whether Misty had authority to give you that
15 authority?

16 A Please reword the question.

17 Q If you were -- she is employed by the
18 Coffee County Elections and by -- and reports to
19 the Coffee County Board of Elections, right?

20 A That's right.

21 Q You knew that, right?

22 A Yes, that's correct.

1 Q And do you know if the Coffee County
2 Board of Elections or any of the board members
3 approved her giving you authorization to do your
4 work there?

5 A I do not know.

6 Q Did you ask?

7 A I don't recall asking that question.

8 Q Did you --

9 A Again, it was based on the fact that
10 they do logic and accuracy testing. I've observed
11 it in other locations. This was really no
12 different than visiting any other election office,
13 as far as I was concerned, to be able to observe
14 the testing.

15 Q And did you touch the equipment
16 yourself?

17 A I did not. Neither did Doug Logan.
18 We specifically when we went in said, "Look, we're
19 here to help. We don't want to break any chain of
20 custody in any way, so we will be very careful not
21 to, you know, be in any of your space unescorted.
22 And we are not going to operate your equipment."

1 So they operated -- Misty operated her equipment,
2 the ICP, the ICC, and so on. We did not, Doug and
3 I did not.

4 Q Well, she operated it pursuant to
5 your instructions, correct?

6 A We helped develop test criteria for
7 her in trying to be able to repeat the -- the issue
8 that she saw on -- during the runoff election.

9 Q Right, but she --

10 A So we guided her testing, yes. We
11 guided her testing. We gave her recommendations.

12 Q And she followed them?

13 A Yes.

14 Q Was there any instance in which she
15 refused to do something that you asked her to do
16 with respect to the election equipment?

17 A Not -- that's -- that's a strange
18 question. It's -- I'm trying to -- I'm not -- can
19 you reword the question?

20 Q Yeah.

21 Did there ever -- you're giving her
22 direction or you're talking about different things

1 ahead.

2 Q All right. There -- you were
3 there -- we got offtrack because you brought up the
4 idea of the security video and incorrectly stated
5 that it was leaked.

6 But let me get back to where we were;
7 and that is you went into the election office on
8 the 18th.

9 A Uh-huh.

10 Q Walk me through what you did with
11 Misty Hampton, not -- what I want to do is -- well,
12 let me back up and make this easier.

13 You were there on the 18th and the
14 19th, correct?

15 A Correct.

16 Q And then you, but not Mr. Logan, came
17 back the next week, correct?

18 A That's correct.

19 Q You were there from the 25th to the
20 29th, correct?

21 A I think -- I don't remember the exact
22 hours, but a little bit each day, I believe, I was

1 back there.

2 Q Okay.

3 A Uh-huh.

4 Q Walk me through what you and
5 Mr. Logan and then what you, yourself, did in the
6 election office in Coffee County.

7 A Okay. To the best of my
8 recollection, I will. I didn't keep, you know,
9 detailed minute-by-minute notes, so it'll be, you
10 know, as good as I can recall.

11 So on the 18th, again, we went there
12 because of this -- what we considered to be a major
13 anomaly, trying to determine if it was a real issue
14 or not. The desire was to try to have them run
15 testing on the equipment at our suggestion,
16 recommendation, to see if we could reveal or get
17 anomalies to occur. And so that's what we did.

18 So we showed up there. The -- if I
19 recollect correctly, and I'm pretty sure I do, the
20 ICPs, the slow-speed tabulators, needed to have
21 QR-coded -- well, they can read either type of
22 ballot, but I believe what was done was Misty got

1 on her BMD, an ICX that she had there, and she
2 created a number of ballots. I believe she created
3 like 20 for Biden and 20 for Trump, if I remember
4 correctly.

5 Meanwhile, she got out, I believe, 40
6 blank ballots that were left over from the 2020
7 election, and we helped fill out those ballots by
8 hand. And those were the ballots that were used to
9 test the ICC. Where typically the ICC will be
10 running absentee ballots that are not made on a
11 BMD, they're made -- you know, filled in by hand.
12 And so we purposely created paper ballots by hand.
13 And then they were used for the testing.

14 And so what happened was the ICP
15 testing, I believe, if I recollect, Misty's
16 daughter, and I don't remember her name, but she's
17 an election trained official. She actually runs
18 one of the precincts there, or did at that time,
19 run one of the precincts during the election, she
20 came in to assist. And she ran the ICP, while Doug
21 observed that, and Misty Hampton ran the ICC, while
22 I observed that.

1 And we basically ran lots. When you
2 do testing like this, you've got to get statistics
3 right, so you run batch after batch after batch.
4 And we were running the same ballots over and over
5 and over and over, which by the way is an
6 interesting thing to note is we learned a lot of
7 things.

8 Coffee County was a great learning
9 experience to begin to understand our election
10 systems and the concerns with it. And one of them
11 that was-- would surprise most voters in the
12 country is that you can take a ballot, any ballot,
13 and you can run that same ballot through a machine
14 thousands of times and it will not object at all.
15 It does not know that it's not -- it does not know
16 that it's the same ballot being run over and over.

17 So if you take a high-speed scanner,
18 for example in Maricopa County, and -- and you just
19 run that over and over, or the video that we saw in
20 Fulton, where -- where observers were not there and
21 it was being run, or in Michigan there was
22 testimony of an observer watching a machine

1 operator run the same set of ballots multiple
2 times. So anyway that was a surprise to us that we
3 could do that, so -- but we did it. And it worked
4 successfully. And we discussed statistics.

5 And then we ended up at the end, Jim
6 wanted a brief summary of our findings. We didn't
7 write formal reports. We just wrote up -- because,
8 of course, we were drinking from a firehose at that
9 point and looking at anomalies and hearing about
10 anomalies all over the place. So we wrote brief
11 reports, which you have copies of, the ICC report
12 and the ICP report.

13 I apologize if they aren't pretty.
14 They seem to be like stuff missing or whatever, but
15 it's not missing. That was what I had, that's the
16 actual report. It wasn't intended to be put out to
17 the press, it was intended for a quick note back to
18 Jim Penrose.

19 MR. BROWN: Let's go ahead and mark
20 as Exhibit 5 Tab 9, which is Mr. Lenberg's Coffee
21 County ICC and ICP reports.

22 THE WITNESS: Yeah. And they are

1 Q And then let's go ahead and look at
2 your report if that's pulled up yet.

3 A Okay.

4 Q And do you see it?

5 A Which one -- yeah, we do.

6 Which one?

7 Q Let's go to the ICC one first, if we
8 could.

9 A Okay.

10 Q Which is the last page.

11 A Yeah. The ICC one is the one I
12 wrote. Doug wrote the other one.

13 Q Okay.

14 A I'm a man of few words. I only have
15 one page.

16 Q If you look at the results, which I
17 want to go to, you state, "The scanner worked
18 extremely well with no rejects for almost all of
19 the configurations that we -- that were run over a
20 several-hour period. Midway through the testing,
21 we reconfigured the ICC to have a date of
22 November 5th instead of the current date."

1 Do you see that?

2 A Yes, I do.

3 Q And why did you change the date?

4 A The reason I did that is, again, I'm
5 a testing expert and I'm also a vulnerability
6 spotter expert, if you will, assessment, and -- and
7 I'm an expert in that area. So one of the things
8 that a bad actor would do potentially is use the
9 date as a trigger. Okay? So they -- they would
10 potentially use a date.

11 So, for example, they could say --
12 they could put in the firmware, you know, prior to
13 November 3rd, worked perfectly, and then on and
14 after November 3rd, for a period of time do the
15 subversion that's built in. And, oh by the way, if
16 40 days goes by, or whatever the canvassing period
17 is, go back to working perfectly.

18 So that was the reason it dawned on
19 me, wait a second, it's been working perfectly all
20 this time. And, again, we were trying to see if we
21 could get it back into the state where it was
22 misbehaving on the -- during the runoff.

1 actual election night, correct?

2 A That's correct.

3 Q Okay. And you -- you asked Misty to
4 change the date in both the EMS and the ICC,
5 correct?

6 A I believe so.

7 Q And did you ask her after your
8 testing was done to reset the clock?

9 A I did. To my recollection, I did. I
10 asked her to set it back.

11 Q Okay. And do you know if she did one
12 way or the other?

13 I mean, did you see her reset it?

14 A You're asking me detail that I --

15 Q You don't remember?

16 A I don't remember.

17 Q Okay. Did you think that it was
18 necessary for you to obtain -- or Misty to obtain
19 any additional authorization to change the clock on
20 the EMS server?

21 A No.

22 Q You say after you mention in your

1 accessed, which means off-scale vulnerability.
2 Anybody could download any software, any results,
3 any files, and reconfigure anything they want as
4 far as how the system is going to operate.

5 Q Now, the -- you looked at the -- you
6 had looked at the manuals -- or at some point, you
7 looked at the manuals describing the parameters.
8 Is that right?

9 A Yes.

10 Q Now, my question is: Why did you
11 have to be inside of Coffee County's election
12 office hands on to the equipment to be able to --
13 to --

14 MR. CLEMENTS: Objection. Lack of
15 foundation. Hands on, I believe the testimony has
16 been observation of Misty Hampton and the other
17 election worker.

18 MR. BROWN: Okay. A very refined and
19 excellent objection. Let me reframe my question.

20 BY MR. BROWN:

21 Q You described the -- the manuals that
22 Dominion has about the parameters, correct?

1 A Correct.

2 Q Given the information that is
3 publicly available, why did you need to be inside
4 of Coffee County directing or working with Misty
5 Hampton physically on the machines to be able to
6 detect this vulnerability?

7 A I have no idea how I would do that
8 remotely. I -- you know, have you ever tried to
9 help someone on a computer, you know, over a phone?
10 I've done that many times. It's very, very
11 difficult to try to help them.

12 You're saying that I could have
13 directed her how to change things over the phone?
14 Is that what you're saying?

15 Q No. What I'm saying is that having
16 you physically present is a material enhancement to
17 your ability to evaluate the vulnerability of the
18 system, correct?

19 A Because I could see what was on the
20 EMS screen. I could see the actual settings that
21 were on the screen, I could observe them, I could
22 observe the changed behavior or not changed

1 behavior. I can't do that over the phone or a Zoom
2 call.

3 Q Okay. We're going to take a break in
4 a few minutes to -- to get a bite, although I know
5 it's earlier there than here, but bear with me.

6 MR. BROWN: If we could mark as the
7 next exhibit, which is Exhibit 6, Tab 16.

8 (Lenberg Deposition Exhibit Number 6
9 marked for identification.)

10 MR. CLEMENTS: It's still loading.

11 THE WITNESS: By the way, you guys
12 might notice I keep looking up, I -- I have
13 graduated lenses.

14 MR. BROWN: I do, too.

15 THE WITNESS: And so you know the
16 behavior. I'm not trying to be, you know, in any
17 way condescending or anything. It's --

18 MR. BROWN: I want to -- I want to
19 make sure the court reporter doesn't note that as a
20 yes.

21 THE WITNESS: That's correct, that is
22 not meant to be a yes. It's I'm trying to read

1 case, it didn't make any difference, it didn't
2 matter. There were major anomalies that we were
3 looking at trying to understand what those
4 anomalies really were and how they might
5 potentially be used elsewhere as well. So it
6 doesn't matter if they were used in that particular
7 case or not, we were trying to understand can the
8 machines be inaccurate, if you will.

9 Q Sure.

10 A Can they -- can they inaccurately
11 register the votes. That's what I meant by that,
12 not the overall vote tally in Coffee County or in
13 Georgia.

14 Q I understand.

15 And then you say the same thing to
16 Tracie Vickers, who's the county clerk in Coffee
17 County --

18 A That's correct.

19 Q -- if you go to the next page.

20 And then you -- to wrap up the first
21 visit to Coffee County, I may have some follow-up
22 questions to that, but you testified that it --

1 that you detected the anomaly with the red value
2 before --

3 A Right.

4 Q -- the end of the day on the 18th.

5 Fair to say? I'm sorry, the 19th.

6 A It might have been the 19th, that
7 sounds correct.

8 Q And then after that Mr. Logan had to
9 leave, correct?

10 A Yes. And I left at the same time
11 that he did.

12 Q And then you came back a week or
13 so --

14 A That's correct.

15 Q -- later, right?

16 A That's correct.

17 Q What did you do when you came back?

18 A Do you want a break before we get --
19 that could go for a while if you want. I don't
20 know that it will.

21 Q Just tell me generally and then we'll
22 break.

1 understanding.

2 Q All right. Well --

3 A I may be wrong, but that's -- that's
4 my recollection.

5 Q Okay. Well, we'll move on.

6 You mentioned that you -- you
7 obtained a copy of what SullivanStrickler had
8 uploaded from Michael Lynch or Stephanie Lambert.
9 Is that correct? Did I get that right?

10 A Correct. Michael Lynch delivered
11 that to me. It was apparently shipped to him.

12 Q Okay. And how did he get it?
13 He got it from SullivanStrickler or
14 from Penrose?

15 A I -- I don't know where he got it,
16 other than what I see in the e-mail, that it was
17 being FedExed.

18 Q And what was your understanding of
19 Lynch's role in all of this?

20 What was he -- he was a PI for
21 Lambert?

22 A He is basically a PI for Lambert

1 to describe your activities there?

2 A I -- I don't know. I can't answer
3 that.

4 Q You don't remember that?

5 A I wasn't in that conversation.

6 Q I didn't ask that. I said -- I asked
7 if you advised her to create a code to describe
8 your activities?

9 MR. CLEMENTS: You didn't ask that,
10 Bruce. You're implying it. So if you want to ask
11 a question, ask it clearly.

12 BY MR. BROWN:

13 Q Well, all right. Well, I meant to
14 and must have misspoke, but let me ask it this way:
15 Did you discuss with Misty Hampton the need to use
16 a code to describe your activities there?

17 A I did not.

18 Q All right. Referring to the 25th
19 now. This is skipping -- skipping up a week. You
20 can ignore that exhibit for now.

21 A Okay.

22 Q Now, was your visit there, was it

1 interrupted by anything?

2 A At one point there was a -- what I
3 believe someone from the Georgia Investigative
4 Office that showed up that needed to ask Misty some
5 questions, Ms. Hampton some questions. I was in
6 the office chatting with her and when the gentleman
7 showed up, I politely left so that he could have
8 whatever interaction he needed with her.

9 Q Did you know -- did you talk with the
10 investigator while he was there?

11 A I did not. I didn't have any
12 discussion with the investigator. I just politely
13 said, "Here, you know, you need to talk with her,
14 I'll go ahead and leave."

15 Q Did he ask -- did he say "Who are
16 you? What are you doing here"?

17 A I did not.

18 Q Did he ask you that?

19 A Not that I recollect.

20 Q Did he -- okay.

21 And your testimony -- your testimony
22 is that -- that you couldn't do what you were there

1 privileges. And she had stated that it didn't
2 matter whether it was one marked for adjudication
3 or not, and I just wanted to verify that was
4 actually the case. So that's why I was asking her
5 the question, it was based on the video that --
6 that they had released from Coffee County.

7 Q And do you know who paid Misty for
8 the work that she did in Michigan?

9 A Stephanie Lambert did.

10 Q Let's go down to page 9.

11 MR. CLEMENTS: Which page, Bruce?

12 BY MR. BROWN:

13 Q I think it's page 9 of that exhibit.
14 And it's the -- just a point of reference, the
15 first message that I have on this page is 1/18 at
16 9:47, to make sure we're on the same page.

17 A Yes, I see that.

18 Q Okay. If you -- if you scroll down,
19 you will see a message from you on April 20, 2021.
20 "Did you get Misty's EMS running in a VM? If so,
21 can I download it as soon as possible?"

22 Do you see that?

1 A Where was this?

2 Q This is on April 20, 2021, at 2:33.

3 A Yes, I see that.

4 Q And -- and who is this directed to,
5 if you recall?

6 A It would have had to have been Doug
7 Logan. Doug's the only guy that I know of that
8 would be able to do that. And he would have had
9 access to that through Sullivan and Strickler --
10 or -- yeah.

11 Q He's referring to a virtual machine.
12 Is that right?

13 A That's correct.

14 Q And were you able to download it?

15 A I did not download it.

16 Q If you -- if you keep going there, it
17 says --

18 A That I recollect. I -- I don't
19 recollect downloading it, let's put it that way.

20 Q No. Fair enough.

21 If you go down a couple of hours to
22 the same day at 4:37, Doug says, "Talk to Jim to

1 November 3rd, that second week that you were there,
2 does that refresh your recollect?

3 MR. CLEMENTS: We would have to see
4 it, Bruce. You can't refresh it through an oral
5 representation, but if you've got something for him
6 to look at, let's go ahead and do it.

7 BY MR. BROWN:

8 Q Do you remember doing that or having
9 her do that?

10 A I don't remember.

11 Q Would there be any -- would there be
12 any reason to change the clock again if you were
13 not continuing to run the ballots?

14 A If -- if we were going to test, we
15 would want to change the time, so it's possible.

16 Q As a security professional, do you
17 think it's problematic for a third party, even
18 accessing through a local official, to be changing
19 a clock on voting system equipment?

20 A Not if it's changed back to the
21 appropriate time.

22 Q But you don't know if this one was or

1 not, right?

2 A I don't know for sure.

3 Q Why did you bring a light -- a ring
4 light into the Coffee County election's office?

5 MR. CLEMENTS: Objection.

6 Foundation.

7 BY MR. BROWN:

8 Q Or did you bring one in there?

9 A I bring when I go various places lots
10 of stuff with me that I may or may not use. I very
11 well could have brought a ring light in there.
12 Again, I was trying to learn, so the possibility
13 that I might want lighting to take, you know, a
14 video of the pollbook or something like that or a
15 video of something so that I could see how it
16 actually, you know -- so I could remember what
17 Misty said about how the system functioned. I
18 could imagine wanting to do that. I can't
19 recollect whether we did that or not, to be honest,
20 I -- I don't know.

21 MR. BROWN: Let me mark as the next
22 exhibit Tab 17.

1 A I might have. I -- I don't remember,
2 but I didn't find any during my search for videos.

3 Q And then if you scroll down, it looks
4 like Misty Hampton has the same box after you left
5 on the 29th, right?

6 A I don't -- I can't tell from the --
7 from the --

8 Q You don't -- you don't recall taking
9 any videos there?

10 A I really don't recall either way.

11 Q Do you remember taking any
12 photographs when you were -- when you were there?

13 A I don't -- I don't recall. I
14 haven't -- I did a search for video and photographs
15 and I can't find any in my search, so I -- I can't
16 say definitely either way.

17 Q Okay. I want to switch gears to the
18 zip file that you produced overnight that we do not
19 have the password for. I believe the -- the files
20 that you sent overnight contained the CompactFlash
21 cards. Is that right?

22 A That's my belief, the zip that I

1 still don't have a password, but yes, that's my
2 understanding is that it had the SLOG -- the text
3 files on it. And I learned later probably the
4 election files as well as the result files in
5 encrypted format.

6 Q And that would have included ballot
7 images?

8 A It would have included what?

9 Q Ballot images.

10 A It would have included ballot images,
11 yes.

12 Q And it would include the sequence of
13 the ballots?

14 A The CompactFlash cards would have
15 contained that.

16 Q And for what elections -- election or
17 elections would that information be about?

18 A To be honest, at this point, since I
19 haven't opened that guide and studied it, I don't
20 know if that was the 2020 November 3rd or if that
21 was from the machine recount. I'm not sure which
22 one.

1 Q Okay. But in any event, you're not
2 sure -- so it would be one election, but you're not
3 sure which election it was. Is that fair --

4 A That's correct.

5 Q -- to say?

6 A That's correct, I'm not sure which
7 one it was.

8 Q And the -- but the CompactFlash would
9 also have information relating to the configuration
10 of the ICP, correct?

11 A Yes.

12 Q And the log files, that kind of
13 thing?

14 A SLOG files, yes. The system log
15 files.

16 Q And did you figure out how to access
17 the information on those CompactFlash drives?

18 A You know, I don't recollect if I did
19 or not. There was so much going on at the time and
20 I was up in Michigan pretty quick and moved on from
21 Georgia, so to what extent I analyzed that from
22 nothing to whatever, I don't know. I -- I don't

1 recollect what it was.

2 Q And how did you get this information
3 from Misty Hampton?

4 A I believe it was a memory stick.

5 Q And you asked for it and she gave it
6 to you, right?

7 A I believe so.

8 Q It wasn't in response to an Open
9 Records Act request, right?

10 A I don't believe so.

11 Q And is it your understanding that she
12 had the authorization to give you this kind of
13 information?

14 A Yes, I believe so. That was my
15 understanding.

16 Q And I may have asked you this but --
17 or you may have testified, is that this -- is it
18 the same information that SullivanStrickler would
19 have had on their ShareFile site or different?

20 A I would expect it to be the same.

21 Q And you got it from Misty because at
22 that time you did not have access to the

1 A The primary thing is I had learned
2 about the system log files and the fact that it
3 recorded how the machines behaved, the tabulators
4 behaved per ballot, as far as whether or not they
5 reversed them. And that is what I was particularly
6 interested in, as we've already -- I've already
7 testified about, the testing of the machines and
8 reversals. So that was the primary reason for
9 getting it. At that point I didn't even know
10 that -- necessarily if the election files were on
11 there.

12 Q And this would have been toward the
13 conclusion of your visit in Coffee County or do
14 you -- the second meeting?

15 A That's correct, the date on that file
16 is the 28th, which I believe was the last day,
17 uh-huh.

18 Q Before I forget, has the Secretary of
19 State of Georgia ever contacted you to ask you any
20 questions about your work in Coffee County?

21 A No.

22 Q Has the --

1 A Not that I'm aware of.

2 Q Well, you probably would know if they
3 tried to, I guess, right, or maybe not?

4 A I -- if they had called and left a
5 message, we screen our calls like everybody else
6 does because we get so many crank calls, so had
7 they called and left a message, I might have
8 responded to that. But I did not get a message
9 like that, nor did I get an e-mail or any other
10 physical contact that I'm aware of.

11 Q I asked you about the Secretary of
12 State. Let me just go through the other
13 organizations.

14 Has the State Election Board
15 contacted you about your work in Coffee County?

16 A No.

17 Q Has the GBI contacted you about your
18 work in Coffee County?

19 A No.

20 Q Has the Fulton County Attorney
21 contacted you about your work in Coffee County?

22 A No.

1 I can't tell from here what it -- what it was. I
2 can't tell.

3 Q And did you -- you didn't introduce
4 any software or data into the election equipment,
5 did you?

6 A No, I did not.

7 Q And apart from the thumb drive that
8 you got from Misty, you didn't take any data from
9 there physically, did you?

10 A Not that I recollect.

11 Q And then the first picture is
12 January 18, 4:20 in the afternoon. Do you see
13 that?

14 A Okay.

15 Q And then the next photo has you
16 leaving the same day at 8:00?

17 A Okay.

18 Q And who is that in front of you?

19 A I -- I believe it's Misty.

20 Q And that's Mr. Logan with you?

21 A I suspect. It looks like it probably
22 is.

1 A I did.

2 Q And what did you do there?

3 A I went in and met with the election
4 supervisor.

5 Q And did you examine the equipment?

6 A I did not.

7 Q Did you obtain copies of any data or
8 software or anything like that?

9 A I did not. I did put in that open
10 records requests as you've already received.

11 Q Okay. I can't remember. Did you get
12 a response from them? I just can't remember.

13 A I don't believe I ever got a
14 response.

15 Q Do you know what we refer to -- or
16 what they refer to as the GEMS room in the Coffee
17 County election's office?

18 A As the what now?

19 Q GEMS, G-E-M-S, room.

20 A I do not know what that is.

21 Q Were you in a room that contains the

22 ICC?

1 A I was.

2 Q And was somebody there with you all
3 the time or --

4 A Yeah. Misty Hampton was always
5 there. We never were in -- anywhere in her office
6 area without supervision of one of the election's
7 personnel.

8 Q I asked you about the motherboard on
9 the Dell computer and whether it would have had a
10 bluetooth or wifi chips. And let me just follow up
11 with that line of inquiry.

12 Did you do anything to -- other than
13 that observation, do you know of any other way that
14 that machine was connected or was capable of being
15 connected to the internet?

16 A There was one other potentially, and
17 that is through -- there was a bridge to the EMS,
18 and I have no idea if that EMS was in any way
19 connected to any other network.

20 Q Do you know whether Clay Parikh ever
21 got a copy of the Coffee EMS files?

22 A Who is that now?

1 it's January 19th.

2 MR. CLEMENTS: Okay. And you're
3 identifying messages between a Greg Freemyer and
4 Doug Logan?

5 MS. MIDDLETON: Yes, sir. And so
6 I -- yes, I'm just going to ask --

7 THE WITNESS: And what time? Which
8 one?

9 BY MS. MIDDLETON:

10 Q There are two, sir. There's one that
11 starts, "I am on-site at Coffee. I think we
12 figured out how to access the CompactFlash of the
13 ICP." And then a second one is, "Any
14 recommendations on how to best image that following
15 all appropriate protocols, et cetera."

16 A I don't see it.

17 Q Am I on the wrong page?

18 MR. CLEMENTS: Well, I think you're
19 asking him to provide an answer on someone's else
20 statement. So at --

21 MS. MIDDLETON: I'm laying it for
22 context, sir. I'm just trying to ask him if there

1 was a separate reason he had testified he was
2 trying to get Arizona data to analyze. And my
3 question is whether or not you were in Georgia
4 trying to get -- trying to image any of the
5 election equipment.

6 THE WITNESS: I was not.

7 BY MS. MIDDLETON:

8 Q Were you able --

9 A I was not. Strickland and Sullivan
10 apparently had already gotten the image, I was not.

11 Q Did you image any election's
12 equipment in Coffee County?

13 A Did I do what?

14 Q Did you image any election's --

15 A No.

16 Q -- equipment in Coffee County, sir?

17 A No, I did not.

18 Q Why did Doug Logan accompany you to
19 Coffee County?

20 MR. CLEMENTS: Don't speculate.

21 THE WITNESS: It was to help me do
22 testing. That's not speculating. I mean, it was

1 to help me do the test that we did on the ICP and
2 the ICC.

3 BY MS. MIDDLETON:

4 Q What did you need help with that, for
5 example, Ms. Hamilton or her daughter could not
6 help you with?

7 A We were observing two different
8 things. We were not doing it, we were observing.

9 Q Uh-huh.

10 A And so Doug observed the ICP and I
11 observed the ICC.

12 Q Okay. All right.

13 So turning now to what you did do in
14 Coffee County. In Exhibit 9, there were -- we had
15 looked at some pictures of you walking into the
16 election's office. And in those pictures, we had
17 talk about -- or you had talked with Ms. Brown
18 about a ring light, but I noticed that you are also
19 holding a backpack. And you testified that you
20 typically bring a lot of stuff that you may or may
21 not use. And I'm curious what kind of stuff that
22 you typically bring with you when you visit an

1 you're doing, for example, satellite testing, it
2 would be very, very formal with, you know, all
3 kinds of detailed records and -- and, you know,
4 very detailed stuff going on. We didn't have the
5 resources or staff to do that, and that's what I
6 was complaining about there --

7 Q I got it.

8 A -- is that we really need to get more
9 help.

10 Q I got it.

11 When you were in the Coffee County
12 election's office, were you in the same room as the
13 EMS server? Were you the little room that's -- I
14 think that was the one where the investigator came
15 in to.

16 A Not correct. I was in the same room
17 as the ICC and the EMS with Misty Hampton.
18 Ms. Hampton, the election supervisor, invited me in
19 there to observe her running. That's where her ICC
20 was, was in that room. And I believe that's -- to
21 my knowledge, that's where it normally is. And so
22 yes, I was invited in there to watch her run it.

1 Her office is right next to that, and
2 that was the room I was sitting and talking with
3 her in the office when that investigator came in --

4 Q Okay.

5 A -- it was in her office, yeah.

6 Q Thank you for that clarification.

7 Were you in the same room?

8 We just talked about the EMS server
9 and the ICC. Were you ever in the same room as the
10 ICX -- the ICXs or the ICCs?

11 A I was never, to my knowledge, in the
12 room where they stored their ICPs. And I forget
13 how many of them they had, but they had a storage
14 room in there somewhere with the equipment stored
15 in it. It is, by the way, not that room in your
16 video and so -- or the video that was put out,
17 that's not where the ICPs are stored, they're
18 stored somewhere else. When I was there, that
19 equipment was not in that general admin room that's
20 out front when you first come through when you come
21 in.

22 Q What about the ICXs, the BMD

1 Is that correct, sir?

2 A ICC.

3 Q Okay.

4 A This is the high-speed scanner
5 ImageCast Central.

6 Q So on the -- were you -- were you --
7 did you alter any programs or settings when you
8 were doing these -- changing these parameters?

9 MR. CLEMENTS: Objection. Once again
10 to form. You -- he's already established that he
11 did not touch anything to alter. Misty was in
12 physical possession of the machine. And the
13 continuing asking the question basically implicates
14 that he's the one touching it is improper.

15 BY MS. MIDDLETON:

16 Q Did you direct Misty Hampton to alter
17 any programs on the ICC, sir?

18 A Not to alter any program.

19 Q What did you direct her to alter,
20 sir?

21 A As already reported, I recommended to
22 her that we change -- that she change the date so

1 that in case that was causing the trigger, that was
2 a trigger requirement, that it would meet that
3 requirement. So she did change the date on it. So
4 that was one thing that was changed.

5 Q Did you change anything else, sir?

6 A You know, I believe there was one
7 more that --

8 MR. CLEMENTS: Objection once again
9 to directing whether he's changing things. You
10 need to be more precise on the record, please.

11 BY MS. MIDDLETON:

12 Q Did you direct Misty Hampton to
13 change anything else, sir?

14 A Yes, there was one other item that
15 comes to my mind and that was something else that
16 stuck out as a red flag as I was looking at the
17 documentation, and that was that there was a
18 setting that was a bolded to not change it in the
19 documentation. And since I think outside of the
20 box, I thought we probably need to change that
21 because they made a big deal about not changing it.

22 And what it had to do with was

1 whether -- it was a crazy setting about how many
2 ballots you could run in a batch. Okay. And
3 typically when you put the ballots in, the default
4 is that it -- whatever stack you put in, it runs
5 and stops. And the next set you put in will be a
6 new batch. This particular setting, you could
7 change it so that it would add them to the same
8 batch until -- until you told it not to. And the
9 documentation said, you know, "Only do this if you
10 need to exceed the input bin of the ICC." And the
11 input bin was, like, 500 ballots, or something, it
12 was very large, and it might have even been higher
13 than that. It was one of those things that
14 probably would never expect nobody to use, but they
15 bolded it and said, "Don't change it unless you
16 absolutely need to run more than, you know, the
17 capacity of the scanner."

18 So we went ahead, Misty changed it.
19 And the reason I did that was that it enabled a
20 batch to be a larger number. Remember I talked
21 earlier about a trigger. And if it's triggering on
22 a certain number in a batch, you want a higher

1 number to get past the trigger level. So I asked
2 her to change that setting so that it would be able
3 to create larger batches. So other than that, I
4 don't believe I changed any others.

5 Q And maybe this is asked, and excuse
6 my ignorance, sir, if I'm asking the same thing.
7 But did you change -- or did you direct Ms. Hampton
8 to change any settings on the ICC?

9 My previous question is whether you
10 changed any programs, so if we could talk about
11 that.

12 A Any settings on what?

13 Q On the ICC, sir. So I'm just trying
14 to get at -- I had asked you before if you had
15 changed -- if you had directed Ms. Hampton to
16 change any programs, so I'm trying to drill down
17 and see if you changed any setting -- if you
18 directed her to change any settings, sir?

19 A The ICP has very limited ability to
20 change items on ICP. It's all pretty much locked
21 in in the configuration files that are on the
22 CompactFlash cards in those election definition

1 but yeah.

2 Q Did you make open records request
3 from other counties?

4 A I did. I did for Pierce County.
5 And -- and you have a record of that.

6 Q Uh-huh.

7 A And I actually did also for Liberty
8 County, for all the material I received from
9 Liberty County, I did a records request. I do not
10 have a copy of that, but that was gotten through a
11 records requests and produced by an election
12 supervisor there, but I could not find the -- a
13 copy of that records request.

14 Q Correct me if I'm wrong, sir, but I
15 understood your earlier testimony to be that you
16 received Coffee County data from Mr. Lynch and then
17 you returned it after you made a copy of it. Is
18 that correct, sir?

19 A I was directed to make a copy for an
20 unknown purpose and give it to them. And then at
21 some point after that, it was kept in a safe.
22 Mr. Lynch requested it back and I gave it back do

1 him out of that safe.

2 Q What software was that, sir?

3 A It was -- I truly -- it was whatever
4 was on that drive that was sent from Strickland and
5 Sullivan -- Sullivan and Strickler, I get their
6 name backwards.

7 Q SullivanStrickler, sir.

8 A -- that they sent from Georgia to
9 Michigan to Michael Lynch. So I --

10 Q Did you --

11 A I can't tell you exactly what was on
12 it other than it apparently was related to Coffee
13 County.

14 Q And did you share it with anyone
15 other than Mr. Lynch?

16 A No, I did not.

17 Q To your knowledge, did anyone receive
18 this data from Mr. Lynch?

19 A No. I don't know where that copy
20 went.

21 Q Do you know -- are you familiar with
22 Lindell symposium when the Arizona and Antrim data

CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped videoconference deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



FELICIA A. NEWLAND, CSR

Notary Public

My commission expires:

September 15, 2024